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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,394	11/26/2001	Serge Lanvin	600.1189	7881

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EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,394

Applicant(s)

LANVIN ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 2 and 3 are objected to because of the following informalities: "claim1 wherein" and "claim 1 wherein" should be replaced with --claim 1 wherein-- in line 1 of claims 2 and 3, respectively. Appropriate correction is required.
2. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 14 is not consistent with independent claim 1 with respect to their preambles, if intended to be dependent on claim 1.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 7 and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the rear edge" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "slanted perforating elements" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the individual perforating elements" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the group" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al (5,524,930), hereafter Foster.

Regarding claims 1 and 15, note first section on the right side of cutting zone 16 in figure 1; plurality of perforating teeth 20 on the right side of cutting zone 16 in figure 1; perforation-free gap juxtaposed between the cutting zone 16 and the first perforating tooth 20 on the right side of cutting zone 16; second section to the left of perforation-free gap in figure 1; cutting zone 16; perforating elements 20 on the left side of cutting zone 16; perforating elements being angled 23 in figure 3; longitudinal axis 26.

Regarding claims 2 and 3, note juxtaposition of perforation-free gap and cutting zone in figure 1, and group of perforating elements 20 on the left side of the cutting zone in figure 1.

Regarding claims 4 and 5, note angle between 20 and 40 degrees in column 4, lines 18-20.

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Regarding claim 6, note two groups 23 and 24 to the left of cutting zone 19 in figure 3; and cutting segments 22 in figure 1.

Regarding claim 8, note perforating elements 23 and 24 at a rear edge are angled on one side of axis 26 in figure 3.

Regarding claim 9, note perforating elements 23 and 24 at a front edge are angled on one side of axis 26 in figure 3.

Regarding claim 10, note perforating tongues 20 in figure 1.

Regarding claim 11, note slit-shaped openings 24 in figure 1.

Regarding claim 12, note slanted tip of perforating element 10 juxtaposed between element 44 and element 32 in figure 5.

Regarding claim 13, note lengths of first and second sections are the same in figure 3.

Regarding claim 14, note web-processing printing machine in column 1, lines 7-22.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Wadzinski (5,146,829). Foster discloses everything as noted above, but does not disclose perforating elements symmetrically angled with respect to the axis. However, Wadzinski teaches perforating elements 22 symmetrically angled with respect to the axis 20 in figure 1. It would

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have been obvious to provide perforating elements symmetrically angled with respect to the axis in Foster as taught by Wadzinski in order to apply even pressure to the rear side and front side of the perforating elements while they engage the web material.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chodorowski is cited for symmetrically mounted perforating elements; Hirohashi is cited for similar structure; Shnitzer is cited for slit-shaped openings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

IH

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January 7, 2003

allan
Allan N. Shoap
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Group 3700